

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CRIMINAL MINUTES – JURY TRIAL  
Day 3

Case No.: 4:18CR00011

Date: 10/9/2019

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**Defendant:**

4:18-cr-00011-MFU-RSB-1 Marcus Jay Davis  
4:18-cr-00011-MFU-RSB-2 Kevin Lamont Trent, Jr.  
4:18-cr-00011-MFU-RSB-3 Kanas Lamont'e Trent  
4:18-cr-00011-MFU-RSB-4 Deshaun Lamar Trent  
4:18-cr-00011-MFU-RSB-5 Phillip Daekwon Miles  
4:18-cr-00011-MFU-RSB-6 Shabba Larun Chandler  
4:18-cr-00011-MFU-RSB-8 Ashley Tiana Ross  
(bond)  
4:18-cr-00011-MFU-RSB-10 Tenikqua Fuller (bond)

**Counsel:**

Tony Anderson, Bev Davis  
Aaron Cook, Jimmy Turk  
Bonnie Lepold, Mike Hemenway  
Chris Kowalcuk, Patrick Kenney  
Tyson Daniel, Cary Bowen  
Aaron Houchens, Jeff Dorsey  
Terry Grimes  
Corey Diviney

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PRESENT: JUDGE: Michael F. Urbanski, CUSDJ  
TIME IN COURT: 9:12-11:42; 12:02-2:03; 2:41-4:08; 4:24-6:06 7h 40m  
Deputy Clerk: Kristin Ayersman  
Court Reporter: Judy Webb  
U. S. Attorney: Heather Carlton, Ron Huber, Michael Newman  
USPO: Kim Falatic  
Case Agent: Devin Taylor, FBI TFO Pittsylvania County  
Interpreter: none

LIST OF WITNESSES

GOVERNMENT	DEFENDANT
1.	1.

**PROCEEDINGS:**

Panel 4 – Collective voir dire. Recess 11:42 Reconvene 12:02 Joint motions for strikes for cause granted, those jurors dismissed. Individual voir dire. Recess 2:03 Reconvene 2:41 Individual voir dire continued. Recess 4:08 Reconvene 4:24 Individual voir dire continue. ECF 865 granted by oral order, rulings on other motions forthcoming. Adjourn 6:06

11 struck jurors struck for cause. Two TUA.

# struck jurors struck by Government.

# struck jurors struck by Defendant.

# jurors sworn member jury impaneled and sworn. Remaining jurors discharged.

Preliminary remarks and instructions to jury by Court.

United States of America or Defendant makes oral Motion to Exclude Witnesses from Courtroom. Court grants motion.

Opening Statements by counsel.

Government presents evidence.

Government rests.

Defendant makes Motion for Judgment of Acquittal.

Court  grants  denies  takes under advisement.

Defendant presents evidence.

Defendant rests.

Defendant renews Motion for Judgment of Acquittal.

Court  grants  denies  takes under advisement.

Rebuttal evidence.

Surrebuttal evidence.

Closing Arguments.

Jury Instructions given to Jury.

Objections to Jury Instructions by U.S.A and/or Defendant.

Court  overrules  grants.

Jury retires to deliberate at Time retired.

Jury returns at Time returned.

Jury Verdict: Verdict?

Jury polled.

Polling waived.

Mistrial declared.

Jury discharged.

Motions after verdict:

Sentencing set for \_\_\_\_\_.

Sentencing to be set by Clerk.

Court orders Presentence Report.

Defendant remanded to custody.

Defendant to remain on bond.

#### Additional Information:

Court asks parties if email received re Juror 19, Panel 3 – discussion. Mr. Cook moves to strike for cause. Discussion. Court overrules, will stay on panel. Court addresses the video re D. Anthony. Court addresses voir dire process after having received email from counsel, and what court covers v. what counsel covers – court asks parties to eliminate duplicative questions/topics. Mr. Diviney asks court to address gang affiliation during court's voir dire. Mr. Kowalcuk addresses reasonable doubt/presumption of innocence – court will not restrict questions. Mr. Kowalcuk makes some procedural suggestions. Discussion re strikes immediately after voir dire – court will do that today. US raises issues re pending motions. Mr. Kowalcuk w/d motion re power point slides (3) – US will remove. Court directs clerk to deny as moot. Jury enters courtroom 9:38